

APPEAL NO. 030172  
FILED MARCH 7, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on December 16, 2002, with (hearing officer 1) presiding as hearing officer. Hearing officer 1 determined that appellant (claimant) did not sustain a compensable injury; that he did not have disability; and that the date of injury for the claimed injury was \_\_\_\_\_. Claimant appealed the adverse determinations regarding compensability and disability on sufficiency grounds. The determination regarding date of injury was not appealed. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We reverse and remand.

Claimant contends that the decision and order contains the signature of (hearing officer 2) even though the case was heard by hearing officer 1, and the typed name of hearing officer 1 is listed at the end of the decision. The typed name of the hearing officer on the decision is that of hearing officer 1, however, the signature reads "[hearing officer 2]." The signed name is likely a clerical error. However, the language in Section 410.168(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(a), by referring to the hearing officer rather than a hearing officer, contemplates that a decision must contain the signature of the hearing officer who heard the case. Given that a question has been directly raised in this regard, we must reverse the decision and order in this case and remand the case so that the signature of hearing officer 1 may be obtained or that we may be provided with proof by letter of correction or otherwise that this is his decision. Prior to reviewing the merits of the decision and order of the hearing officer, we must determine that this is indeed the decision and order of the hearing officer. See Texas Workers' Compensation Commission Appeal No. 941194, decided October 17, 1994.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See Texas Workers' Compensation Commission Appeal No. 92642, decided January 20, 1993.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Terri Kay Oliver  
Appeals Judge

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Robert W. Potts  
Appeals Judge